

**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: September 24, 2001

Applicant: NEPERA CHEMICAL CORP INC
41 ARDEN HOUSE RD
HARRIMAN, NY 10926

Facility: NEPERA CHEMICAL COMPANY INC.
41 ARDEN HOUSE ROAD
HARRIMAN, NY 10926

Application ID: 3-3358-00045/00127

Permits(s) Applied for: 1 - Article 19 Air Title V Facility

Project is located: in WOODBURY in ORANGE COUNTY

Project Description:

The Department has prepared a Draft Permit pursuant to Article 19 (Air Pollution Control) of the NYS Environmental Conservation Law and Title V of the Federal Clean Air Act Amendments and made a tentative determination to approve this application.

Nepera is a Chemical manufacturing facility located on Route 17 in the Village of Harriman in lower Orange County of New York State. The facility has been in existence since 1942. It produces, through the use of blending raw materials such as Acetaldehyde, Formaldehyde, Ammonia, Benzene, Alpha Picoline, Beta Picoline in distillation units and high temp reactors, products such as Pyridine and its derivatives, Alkyline Pyridine, 2 Cyanopyridine, 3 Cyanopyridine. Pyridine is used as an intermediate product in the manufacture of Agrochemicals and Pharmaceuticals. 3 Cyanopyridine is further reacted to produce Niacinamide (Vitamin B6) which is used in Human and Animal foods. Raw materials and finish products are stored in above ground storage tanks or drums. A plant wide fumes vent system is in the place to control odors from the manufacturing process.

Nepera, Inc. generates many types of solid, liquid and gaseous wastes during various stages of its numerous manufacturing processes. The vast majority consists of waste water and fumes which are collected and sent to their incinerator. In the incinerator, the waste products are burned very high temperatures which destroy all organic chemicals. The system has been further improved to ensure that the burning efficiency level in the incinerator remains at or above 99.99% even under peak loading conditions. Operating temperature is approximately 1700 degrees Fahrenheit.

The facility is subject to the following State and Federal Regulations 6NYCRR Parts 200, 201, 202, 211, 212, 225, 227, 233, 236, 40 CFR 60 VV, 40 CFR 61 FF and 40 CFR 63 EEE.

The facility is major for Nitrogen Oxides (NOx), Sulfur Dioxide (SO2) and particulates.

The Standard Industrial Classification Code for this facility is 2865 - Cyclic Crudes and Intermediates.

Processes at the facility include: three boilers (1) capable of burning #6 fuel oil or gas this boiler is rated at 31.4 mm BTU/hr, (2) capable of burning #6 and #2 fuel oil or gas this boiler is rated at 81.6mm BTU/hr and (3) burns gas this boiler is rated at 26.4mm BTU/hr; a Hazardous Waste Incinerator; a back up fume incinerator; storage tanks; transfer unit reactors; mixers; distillation and packaging.

Exempt sources at the facility include: combustion units less than 10 mm BTU/hr, emergency generators, non contact cooling towers, fuel oil storage tanks and laboratory and research operations.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

In accordance with 6 NYCRR part 621.5 (d) (9) and 201-6.5(c), the Administrator for the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with the applicable requirements of the Clean Air Act of 6 NYCRR Part 201.

The Application and Draft Permit are available for review at the regional Office of the New York State Department of Environmental Conservation.

State Environmental Quality Review (SEQR) Determination

Project is an Unlisted Action and will not have a significant impact on the environment.

A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

The proposed activity is not subject to review in accordance with SHPA. The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 10/29/2001

Contact Person



ROBERT J. STANTON
NYSDEC
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561-1696
(845) 256-3048

CC List for Notice of Complete Application

Mayor S. Welle, Village of Harriman
Supervisor T. Jones, Town of Woodbury
Superintendent T. Olivo, Monroe-Woodbury School Dist.
M. Herman CAP Chairperson
S. Riva, USEPA, Region 2
C. DiBattista, CT DEP
B. Kwetz, MA DEP
T. Micai, NJ DEP
J. Salvaggio, PA DEP

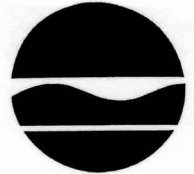
New York State Department of Environmental Conservation

Division of Air Resources, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1696

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Erin M. Crotty
Commissioner

January 18, 2002

MARINA CUBIAS-CASTRO
ENVIRONMENTAL ENGINEER
NEPERA INC
41 ARDEN HOUSE ROAD
HARRIMAN NY 10926

**RE: Draft Title V Permit
Nepera, Inc.
DEC ID #3-3358-00045/00127
Harriman, Orange County**

Dear Ms. Cubias-Castro:

Enclosed is the Department's Responsiveness Summary to the October 23, 2001 comments with regard to Nepera's Draft Title V Permit. A copy of the revised draft permit will be sent under separate cover.

Please be advised that Nepera's Draft Title V Permit is being forwarded to United States Environmental Protection Agency for review.

If you have any questions, please contact Ms. Maryanne O'Connor at (845) 256-3058.

Sincerely,

Robert J. Stanton, P.E.
Regional Air Pollution Control Engineer

RJS/adm
Enclosure

cc: M. O'Connor, P.E., DAR

NYSDEC Response to Comments on the Draft Title V Operating Permit for Nepera, Inc. Submitted by Nepera, Inc. received October 24, 2001

Nepera Comment: Cover page of permit – Name should be modified to read “Nepera, Inc.”, instead of “Nepera Chemical Corp., Inc.” First paragraph in description: “Alkyline Pyridine” needs to be changed to “Alkyl Pyridine”.

NYSDEC Response: These have been changed per your request.

Nepera Comment: Condition 6. Consider adding in as a separate paragraph at end of this condition for 6 NYCRR 201-1.5: Emergencies shall include, but not be limited to, the following events: utility failure and/or interruptions; natural disasters; equipment failure; facility structural damage; fires; explosions; rupture disks; terrorist activities.

NYSDEC Response: The term "emergency" is defined in 6 NYCRR Subpart 201-2(b)(12), consistent with 40 CFR Part 60. Definitions for the terms "upset" and unavoidable are contained in most, if not all, standard English dictionaries and are unnecessary for this permit. These terms are not defined under Federal regulations, therefore, the definitions in the dictionary will suffice for this permit. The Department will continue to follow long held maxim of statutory construction: words of ordinary import used in a statute are to be given their usual and commonly understood meaning unless it is plain from the statute that a different meaning is intended. McKinney's Book of Statutes § 232. The Department will adhere to the spirit of the Clean Air Act, the Environmental Conservation Law and sound science in determining whether an exceedance is unavoidable or constitutes an upset condition within the meaning of an applicable requirement. Attached, for your information, is the DEC's latest policy on Unavoidable Noncompliance and Violations.

Nepera Comment: Condition 14. Please add a reference to 6 NYCRR Part 201-6.5(e). The following definitions of continuous, intermittent and non-continuous compliance should be included for Semi-Annual and Annual Compliance Certification Reports. *Please add as a separate paragraph at end of this condition.*

Continuous Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of this permit for no less than 90% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

Intermittent Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of this permit for no less than 50% or more than 89.9% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

Non-Continuous Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of

this permit for less than 50% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

NYSDEC Response: Definitions are included in each regulation cited in this permit; therefore a "definitions" section is unnecessary in this permit.

Nepera Comment: Item 24.1. Revise Emission Unit Description for Emission Unit 1-BYLER to state that the two primary boilers are #6 and #4.

NYSDEC Response: This has been changed per your request.

Nepera Comment: Item 25.2. The Monitoring Description for 6NYCRR 201-6.5(c)(3) explaining deviations from permit requirements, is unclear. It is our understanding that it applies to the operating requirements as stated in the Summary of Compliance Requirements attachment, but how does it relate to emission rate potential, for individual emission points or the facility?

NYSDEC Response: A monitoring condition cited under 201-6.5(c)(3) has been added to every Title V permit which specifies the semiannual reporting requirement for monitoring reports. This applies to all monitoring conditions in the permit. Individual monitoring conditions specify reporting requirements.

Nepera Comment: Item 39.1. This provision is based upon a portion of section 236.4(d), but it does not include all of that subdivision's provisions, including several that are significant. It is inappropriate and confusing to reiterate only a portion of the applicable regulation in the permit. The full text, which should be included in the permit, is as follows:

The department may require the rescheduling of a planned process unit shutdown to an earlier date based on the number and severity of tagged leaks awaiting repair at shutdown. Before requiring a rescheduled shutdown, the department shall consider the effect of the shutdown on production, the availability of needed repair equipment, and the time required for contracting outside labor and/or rescheduling facility personnel and shall so direct the source owner in writing to comply with the rescheduled shutdown. The source owner shall comply with the department's directive, or shall request that a directed rescheduling of a planned process unit shutdown be reconsidered according to the following procedure:

- (1) A request for reconsideration must be filed in writing with the department within 20 days of receipt of the department's directed rescheduling, and must be signed by a duly authorized representative of the facility.*
- (2) Such request must include a statement supporting the source owner's claims of misapplication of laws or regulations in the department's directive, and a statement specifying the relief sought by the source owner.*

Also, the permit omits the prior paragraph of the regulations, subsection 236.4(c), which should also be included:

Delay of repair of components as described in subdivision (b) of this section will be allowed by the department provided that an initial attempt to repair is made after which a decision is made by a duly authorized representative of the facility that replacement parts necessary to complete the repair are not available in time, or that repair of the leaking component is technically infeasible without a process unit shutdown. Repair of such a component must be completed during the next process unit shutdown and before subsequent start-up.

NYSDEC Response: The language in the condition for 6 NYCRR 236.4(d) incorporates by reference the procedure for a directed rescheduling of a planned process unit shutdown. 6NYCRR 236.4(c) has been included in the permit per your request.

Nepera Comment: Items 57.1 through 57.10. Please include the sentence: *Process includes any associated fugitive emissions*, at the end of each process description.

NYSDEC Response: This sentence has been added to the ten process descriptions in the permit per your request.

Nepera Comment: Item 57.2. Revise Process Description for Emission Unit 1-BYLER, Process 102 to remove the reference to No. 6 fuel oil. The boiler uses natural gas or No. 2 fuel oil.

NYSDEC Response: The Process Description for Process 102 has been revised per your request.

Nepera Comment: Item 57.9. Change Emission Source **68001**, from "Process" to "Control". Control Type: Activated Carbon Adsorption.

NYSDEC Response: This has been revised per your request.

Nepera Comment: Item 66.2. What tables are referred to in Monitoring Description for 6NYCRR 212.4(a)?

NYSDEC Response: The tables referred to are Table 2, Table 3 and Table 4 of 6 NYCRR 212 that detail environmental ratings for contaminants that are issued by the Commissioner.

Nepera Comment: Items 68.1 and 68.2. The Regulated Contaminant refers to 2,3,7,8-tetrachlorodibenzo p-dioxin. The MACT standards only refer to it as "dioxins and furans", which is also used in the text of this permit provision. The following should be added in the monitoring description: *"The regulated contaminant referenced in this condition correspond to the contaminant(s) for which this requirement applies under cited federal regulation"*.

The compliance date and testing deadline will change in the interim standards to be promulgated in January 2002. These dates should not be included in the permit. The permit should instead refer to "compliance date" and "6 months after the compliance date."

Also, Confirmatory Testing will not be required in the interim standards. Please have the last sentence in the first paragraph of the Monitoring Description removed or add a statement to indicate that Confirmatory testing will not be required until the final standards become effective.

NYSDEC Response: Per your request, this language regarding the regulated contaminant has been added. The compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register. A statement has been added to clarify that Confirmatory testing will not be required until final standards become effective.

Nepera Comment: Items 70.2, 71.2 & 72.2 - Same comment as for Item 68. Dates should not be included.

NYSDEC Response: The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 71.1 – It is missing the heading "Regulatory Contaminant: SEMIVOLATILE METALS." Same comment as for Item 68. Dates should not be included.

NYSDEC Response: Per your request, the heading has been added to the Monitoring Description for clarification. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 72.1 - Missing the heading "Regulatory Contaminant: LOW VOLATILITY METALS." Same comment as for Item 68. Dates should not be included.

NYSDEC Response: Per your request, the heading has been added to the Monitoring Description for clarification. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 73.2 - Phrase in parentheses should be removed "(monitored continuously with a continuous emission monitoring system)." We will only monitor HC during performance testing. This item leaves in both options of monitoring HC continuously or only during the CPT. Please write this condition as we plan on complying, (which would be to monitor only HC during the CPT and monitor CO continuously).

Same comment as for Item 68. Dates should not be included.

NYSDEC Response: Per your request, the phrase in parenthesis has been removed. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 75.2 – Missing the heading "Regulatory Contaminant: TOTAL CHLORINE ."

Same comment as for Item 68. Dates should not be referenced.

NYSDEC Response: Per your request, the heading has been added to the Monitoring Description for clarification. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 76.2 - Same comment as for Item 68. Dates should not be referenced.

NYSDEC Response: The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 77.2 - Should read "Monitoring Type: ONE-TIME EMISSION TESTING." DRE testing is only conducted once unless we change something. Same comment as for Item 68. Dates should not be referenced.

NYSDEC Response: The Monitoring Frequency has been changed to "SINGLE OCCURANCE." The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 78.2 – Compliance date will not be September 30, 2002.

NYSDEC Response: The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 80.2 (2)- discusses the SSM Plan. This language will definitely change in the interim standards, but since the final form is not known yet, all language should be removed and the permit should instead refer to the rule citations (63.6(e)(3) and 63.1206(c)(2))

(3) Should not reference a compliance date.

(5) Should refer to the HLWI, not LWI. All through the permit, the incinerator is sometimes referred to LWI and sometimes HLWI. See (1) & (2).

NYSDEC Response: The condition that discusses the SSM Plan has been modified. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register. Every attempt has been made to have all instances of LWI changed to HWLI.

Nepera Comment: Item 81.2. There will be no confirmatory testing in the interim standards. Language may stay in rule, but requirement will be waived while operating under interim standards.

NYSDEC Response: The Department agrees. The requirement will be waived until required by regulation.

Nepera Comment: Item 82.2 - Dates are included in (6), and should not be referenced. Only one CPT will be required for the interim standards (no subsequent CPTs as in (12)).

NYSDEC Response: The Compliance date in (6) has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register. The language in (12) will be waived until such time as it is applicable.

Nepera Comment: Item 83.2. Item 1 under *Other CMS Requirements*: Statement that "thermocouples, temperature sensors, and weight measurement devices...at least once every three months..." is being removed from the regulations. Exact replacement wording is not known at this time. Most likely, calibration schedules will be left to the facility to decide. Wording should be modified to reflect this.

Item 2 under *Other Monitoring Requirements*: Requirement for negative pressure does not apply to this unit. This statement should be removed.

Item 3 under ***Other Monitoring Requirements***: The wording of 40 CFR 63.1209(q) will change. Item should be changed to just refer to the regulatory citation and not include specific requirements.

NYSDEC Response: Item 1 has been modified to include most recent rulemaking. Item 2 has been removed as it is not applicable to Nepera. 40 CFR 63.1209(q) is referenced in Item 3. As such, the Department believes this statement is acceptable as it is currently written.

Nepera Comment: Condition 84 - This appears to be a restatement of the requirements under the "CMS monitoring requirements" paragraphs in Condition 83. It should be removed from either Condition 83 or 84.

NYSDEC Response: This language has been removed from Condition 83.

Nepera Comment: Condition 85 - This appears to be a restatement of the requirements under the "other monitoring requirements" paragraphs in Condition 83. It should be removed from either Conditions 83 or 85.

NYSDEC Response: This language has been removed from Condition 83.

Nepera Comment: The Monitoring Description for 40 CFR 63.1209(i) Subpart EEE is not complete. Requirements for HCl/Cl₂ operating parameters were not included in the list. Also, some of the items just refer back to the rule, and others list out the monitoring requirements. The best option would be to have all items just refer to the rule, in case something else changes. Also, the compliance date should be removed.

NYSDEC Response: Per your request, the requirements for Hydrochloric acid and chlorine gas operating parameters have been added. The Compliance date has been changed to September 30, 2003 pursuant to the December 6, 2001 Federal Register.

Nepera Comment: Item 91.2. Specify which temperature (i.e. stack, chamber, etc.) and flow parameters.

NYSDEC Response: Chamber temperature and hours of operation shall be monitored at all times the incinerator is in use.

Nepera Comment: Change last sentence in the Monitoring Description for 6 NYCRR212.11 to read: Water level must be greater than or equal to 400 gallons.

NYSDEC Response: This has been revised per your request.

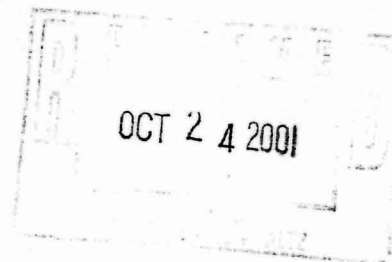
NEPERA

A **CAMBREX** Company

Nepera, Inc.

Route 17
Harriman, NY 10926
Tel: (845) 782-1200
Fax: (845) 783-9713

October 23, 2001



Mr. Robert J. Stanton, P.E.
Regional Air Pollution Control Engineer
NYSDEC, Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1696

Re: Nepera, Inc. – Facility DEC ID: 3335800045
Village of Harriman, Orange County
Air Title Facility Permit ID: 3-3358-00045/00127

Dear Mr. Stanton:

Nepera has received the New York State Department of Environmental Conservation's issuance of the above referenced draft permit. Over the past few months, Nepera has been working with the NYSDEC on the working copy of the permit, to clarify the requirements and amend incorrect information. Additionally, Nepera and the NYSDEC have met on several occasions to discuss clarifications and/or modifications needed. Nepera continues to request further clarification on several conditions that were not addressed previously, and has also completed a review of the final draft, which triggered several additional comments including those related to the recent changes proposed for Subpart EEE.

We respectfully submit the attached comments in accordance with the notice published to the public on September 28, 2001.

If there are any questions related to this submission, please contact me at 845-782-1231.

Sincerely,

Elizabeth R. Pfeiffer, CHMM
Director, Environmental, Health & Safety

cc: S. Gagliardo
J. Vidalis
S. Levine
M. Fletcher
P. Dixon
L. Ricci

Title V – Nepera Comments

General Comment: Cover page of permit – Name should be modified to read “Nepera, Inc.”, instead of “Nepera Chemical Corp., Inc.” First paragraph in description: “Alkyline Pyridine” needs to be changed to “Alkyl Pyridine”.

1. Condition 6: *Consider adding in as a separate paragraph at end of this condition:* Emergencies shall include, but not be limited to, the following events: utility failure and/or interruptions; natural disasters; equipment failure; facility structural damage; fires; explosions; rupture disks; terrorist activities.
2. Compliance requirements: Condition 14. **Please add a reference to 6 NYCRR Part 201-6.5(e).** The following definitions of continuous, intermittent and non-continuous compliance should be included for Semi-Annual and Annual Compliance Certification Reports. *Please add as a separate paragraph at end of this condition.*

Continuous Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of this permit for no less than 90% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

Intermittent Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of this permit for no less than 50% or more than 89.9% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

Non-Continuous Compliance: Records, operating logs and other permanently recorded information that demonstrates that the affected source is operating within the requirements of the terms and conditions of this permit for less than 50% of the operational hours available for each affected source/unit at the facility. In the event of recording device/instrument failure, surrogate parameters that demonstrate compliance during the period of the device failure shall be deemed acceptable for demonstrating compliance.

3. Item 24.1 – *See remark on attached permit copy.*
4. Item 25.2 – This section, dealing with reporting of deviations from permit requirements, is unclear. It is our understanding that it applies to the operating requirements as stated in the Summary of Compliance Requirements attachment, but how does it relate to emission rate potential, for individual emission points or the facility?



- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 23: Severability
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 201-6.

Item 23.1:

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Condition 24: Emission Unit Definition
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 201-6.

Item 24.1:

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 1-BYLER

Emission Unit Description:

Two primary boilers (#6 and ~~#4~~^{#2}), and one secondary/back-up boiler (#4).

Building(s): 9

Item 24.2:

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-NIACN

Emission Unit Description:

Niacinamide process consisting of current process 201 and alternate process 202. The alternate process will be fully implemented in 2002. Both the processes are based on cyanopyridine intermediates being manufactured elsewhere in the facility.

Building(s): 13
28

10/23/01

5. Item 39.1 – This provision is based upon a portion of section 236.4(d), but it does not include all of that subdivision's provisions, including several that are significant. It is inappropriate and confusing to reiterate only a portion of the applicable regulation in the permit. The full text, which should be included in the permit, is as follows:

The department may require the rescheduling of a planned process unit shutdown to an earlier date based on the number and severity of tagged leaks awaiting repair at shutdown. Before requiring a rescheduled shutdown, the department shall consider the effect of the shutdown on production, the availability of needed repair equipment, and the time required for contracting outside labor and/or rescheduling facility personnel and shall so direct the source owner in writing to comply with the rescheduled shutdown. The source owner shall comply with the department's directive, or shall request that a directed rescheduling of a planned process unit shutdown be reconsidered according to the following procedure:

- (1) *A request for reconsideration must be filed in writing with the department within 20 days of receipt of the department's directed rescheduling, and must be signed by a duly authorized representative of the facility.*
- (2) *Such request must include a statement supporting the source owner's claims of misapplication of laws or regulations in the department's directive, and a statement specifying the relief sought by the source owner.*

Also, the permit omits the prior paragraph of the regulations, subsection 236.4(c), which should also be included:

Delay of repair of components as described in subdivision (b) of this section will be allowed by the department provided that an initial attempt to repair is made after which a decision is made by a duly authorized representative of the facility that replacement parts necessary to complete the repair are not available in time, or that repair of the leaking component is technically infeasible without a process unit shutdown. Repair of such a component must be completed during the next process unit shutdown and before subsequent start-up.

6. Items 57.1 through 57.10 – Please include the sentence: ***Process includes any associated fugitive emissions***, at the end of each process description.
7. Item 57.2 – ***See remark on attached Permit copy.***
8. Item 57.9 – Change Emission Source **68001**, from "Process" to "Control". Control Type: Activated Carbon Adsorption.
9. Item 66.2 – What tables are referred to in Monitoring Description.(?)
10. Item 68.1 & 68.2 - The Regulated Contaminant refers to 2,3,7,8-tetrachlorodibenzo p-dioxin. The MACT standards only refer to it as "dioxins and furans", which is also used

New York State Department of Environmental Conservation
Permit ID: 3-3358-00045/00127 Facility DEC ID: 3335800045



NYTMN (km.): 4573.423 NYTME (km.): 571.632 Building: 68

Item 56.5:

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 5-ACTPY

Emission Point: 40001

Height (ft.): 15

Diameter (in.): 4

NYTMN (km.): 4573.423 NYTME (km.): 571.632 Building: 40

Condition 57: Process Definition By Emission Unit
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 201-6.

Item 57.1:

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-BYLER

Process: 101

Source Classification Code: 1-03-006-02

Process Description:

Boiler No. 2 (EP09002) is a 31.4 million BTU/hr rated Babcock & Wilcox unit equipped with a Coen dual fuel burner. The boiler is capable of firing No. 6 fuel or natural gas.

Emission Source/Control: 09002 - Combustion

Design Capacity: 31.4 million Btu per hour

Item 57.2:

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-BYLER

Process: 102

Source Classification Code: 1-02-005-01

Process Description:

Boiler No. 6 (EP09003) is an 81.6 million BTU/hr rated Babcock and Wilcox unit equipped with a Coen Low-NOx burner and flue gas recirculation. The boiler is capable of operating under ~~No. 6~~ or No. 2 fuel oil or natural gas firing conditions. The boiler currently uses No. 2 oil/natural gas burner configuration. This boiler provides primary steam for the facility. Maximum sulfur content of ~~No. 6~~ fuel oil used is 1.5%.

Emission Source/Control: 09003 - Control

Control Type: FLUE GAS RECIRCULATION

10/23/01

in the text of this permit provision. The following should be added in the monitoring description: *"The regulated contaminant referenced in this condition correspond to the contaminant(s) for which this requirement applies under cited federal regulation"*.

The compliance date and testing deadline will change in the interim standards to be promulgated in January 2002. These dates should not be included in the permit. The permit should instead refer to "compliance date" and "6 months after the compliance date."

Also, Confirmatory Testing will not be required in the interim standards. Please have the last sentence in the first paragraph of the Monitoring Description removed or add a statement to indicate that Confirmatory testing will not be required until the final standards become effective.

11. Items 70.2, 71.2 & 72.2 - Same comment as for Item 68. Dates should not be included.
12. Item 71.1 – It is missing the heading "Regulatory Contaminant: SEMIVOLATILE METALS." Same comment as for Item 68. Dates should not be included.
12. Item 72.1 - Missing the heading "Regulatory Contaminant: LOW VOLATILITY METALS." Same comment as for Item 68. Dates should not be included.
13. Item 73.2 - Phrase in parentheses should be removed "(monitored continuously with a continuous emission monitoring system)." We will only monitor HC during performance testing. This item leaves in both options of monitoring HC continuously or only during the CPT. Please write this condition as we plan on complying, (which would be to monitor only HC during the CPT and monitor CO continuously).
- Same comment as for Item 68. Dates should not be included.
14. Item 75.2 – Missing the heading "Regulatory Contaminant: TOTAL CHLORINE ." Same comment as for Item 68. Dates should not be referenced.
15. Item 76.2 - Same comment as for Item 68. Dates should not be referenced.
16. Item 77.2 - Should read "Monitoring Type: ONE-TIME EMISSION TESTING." DRE testing is only conducted once unless we change something. Same comment as for Item 68. Dates should not be referenced
17. Item 78.2 – Compliance date will not be September 30, 2002.
18. Item 80.2 (2)- discusses the SSM Plan. This language will definitely change in the interim standards, but since the final form is not known yet, all language should be removed and the permit should instead refer to the rule citations (63.6(e)(3) and 63.1206(c)(2)).

10/23/01

(3) Should not reference a compliance date.

(5) Should refer to the HLWI, not LWI. All through the permit, the incinerator is sometimes referred to LWI and sometimes HLWI. See (1) & (2).

19. Item 81.2 - There will be no confirmatory testing in the interim standards. Language may stay in rule, but requirement will be waived while operating under interim standards.
20. Item 82.2 - Dates are included in (6), and should not be referenced. Only one CPT will be required for the interim standards (no subsequent CPTs as in (12)).
21. Item 83.2 – Item 1 under ***Other CMS Requirements***: Statement that "thermocouples, temperature sensors, and weight measurement devices...at least once every three months..." is being removed from the regulations. Exact replacement wording is not known at this time. Most likely, calibration schedules will be left to the facility to decide. Wording should be modified to reflect this.

Item 2 under ***Other Monitoring Requirements***: Requirement for negative pressure does not apply to this unit. This statement should be removed.

Item 3 under ***Other Monitoring Requirements***: The wording of 40 CFR 63.1209(q) will change. Item should be changed to just refer to the regulatory citation and not include specific requirements.
22. Condition 84 - This appears to be a restatement of the requirements under the "CMS monitoring requirements" paragraphs in Condition 83. It should be removed from either Condition 83 or 84.
23. Condition 85 - This appears to be a restatement of the requirements under the "other monitoring requirements" paragraphs in Condition 83. It should be removed from either Conditions 83 or 85.
24. Item 86.2 - This item is not complete. Requirements for HCl/Cl₂ operating parameters were not included in the list. Also, some of the items just refer back to the rule, and others list out the monitoring requirements. The best option would be to have all items just refer to the rule, in case something else changes. Also, the compliance date should be removed.
25. Item 91.2 – Specify which temperature (i.e. stack, chamber, etc.) and flow parameters.
26. Item 92.2 – (1) Change last sentence to read: Water level must be greater than or equal to 400 gallons.

New York State Department of Environmental Conservation

Division of Air Resources, Region 3

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Erin M. Crotty
Commissioner

January 18, 2002

STEVEN RIVA CHIEF
PERMITTING SECTION
AIR PROGRAMS BRANCH
USEPA REGION 2
290 BROADWAY
NEW YORK NY 10007-1866

**RE: Proposed Title V Permit
DEC ID#3-3358-00045
Nepera, Inc.
Harriman, Orange County**

Dear Mr. Riva:

A proposed Title V Permit for Nepera, Inc. is available for review and comment by the Environmental Protection Agency. This permit has undergone Public Notice requirements and is ready to be issued.

The Department has received comments from the applicant only. These comments, along with New York State Department of Environmental Conservation response, are enclosed. The Department has determined that a public hearing on the proposed permit is not warranted. This letter, along with the individual response to the applicant, constitutes an appropriate responsiveness summary of relevant comments.

EPA has electronic access to the Department's AFS computer system and to the subject permit, therefore, no paper copy of the proposed permit is enclosed with this letter. Please comment on the proposed permit by March 18, 2002. If your review of the proposed permit is completed sooner than that date and there are no comments, please notify me so that the permit issuance may be expedited.

Please contact Ms. Maryanne O'Connor at (845) 256-3058 if you have any technical questions about this proposed permit. Contact me at (845) 256-3048 if you have any questions about the processing of this permit application.

Sincerely,

Robert J. Stanton, P.E.
Regional Air Pollution Control Engineer

RJS/MOC/adm
Enclosure

cc: M. Cubias-Castro, Nepera, Inc.
M. O'Connor, P.E., DAR